

REMARKS

Claims 1-4, 15 and 16 are pending in the above-referenced application. Claims 5-14 are withdrawn from consideration as being drawn to non-elected inventions. Claims 1-4, 15 and 16 have been rejected under 35 U.S.C. § 112, first paragraph. Claims 1-4, 15 and 16 have been rejected on the grounds of non-statutory obviousness-type double patenting over U.S. Patent No. 5,486,599. Reconsideration and allowance are requested in light of the following remarks.

Rejections of claims 1-4, 15 and 16 under 35 U.S.C. § 112, first paragraph:***Enablement and Written Description***

Claims 1-4, 15 and 16 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention to the full extent of the claims. Claims 1-4, 15 and 16 have also been rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejections in light of the remarks below.

Applicants acknowledge with appreciation the withdrawal of the rejections from claim 16.

The Examiner states on pages 3 and 4 of the Office Action:

[i]t is noted that the application specifically indicates on page 4 of the application that the Xac-Z-Ser-Gly-Ser-Gly formula represents the required heparin sulfate binding sequence. As the amended claims do not require the presence of this complete formula, and as this formula is indicated [as] required for the claimed function, the rejection is maintained on this basis.

In response, Applicants kindly direct the Examiner to page 72, line 28 through page 74, line 2 of the Specification where Applicants show a “more complete specification of the heparan sulfate attachment sequence” and “[confirm] the importance of the Ser-Gly-Ser-Gly attachment sequence identified in this invention for heparan sulfate attachment.” Accordingly, as shown through site directed mutagenesis, Ser-Gly-Ser-Gly “are the only residues involved in glycosaminoglycan attachment.” Applicants believe these remarks obviate the Examiner’s concerns, and respectfully request reconsideration and withdrawal of these rejections.

Non-statutory Double Patenting Rejection

Claims 1-4, 15, and 16 stand rejected under the judicial doctrine of non-statutory obviousness-type double patenting in light of U.S. Patent 5,486,599. To overcome this ground for rejection, a *terminal disclaimer* is submitted in compliance with 37 C.F.R. 1.321(c), as suggested in the Office Action.

CONCLUSION

It is believed that the amended claims are in condition for allowance, and reconsideration is respectfully requested for all the reasons set forth above. The Examiner is urged to telephone the undersigned Attorney for Applicants in the event that such communication is deemed to expedite prosecution of this matter.

Dated: May 30, 2006

Respectfully submitted,

By 

Thomas J. Engellemer

Registration No.: 28,711

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2000

(617) 310-9000 (Fax)

Attorney for Applicant